

ENGROSSED SENATE BILL No. 247

DIGEST OF SB 247 (Updated March 14, 2007 12:43 pm - DI 96)

Citations Affected: IC 9-13; IC 9-24; IC 9-29; IC 9-30.

Synopsis: Various motor vehicle matters. Provides that a public passenger chauffeur's license (license) is valid for four years and that the fee for the license is \$8. (Current law provides that the license is valid for two years and that the fee for the license is \$4.) Authorizes the division of court administration to prescribe a: (1) traffic information and summons; or (2) complaint and summons; in an electronic format, to be known as an electronic traffic ticket. Authorizes a law enforcement officer to issue an electronic traffic ticket in lieu of a paper ticket, and authorizes the transmission of an electronic traffic ticket to a court under certain conditions. Allows an electronic traffic ticket to be admissible in a court proceeding under certain circumstances. Makes conforming amendments.

Effective: July 1, 2007; January 1, 2008.

Mrvan, Drozda, Merritt

(HOUSE SPONSOR — LAWSON L)

January 8, 2007, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

February 8, 2007, reported favorably — Do Pass.

February 13, 2007, read second time, amended, ordered engrossed.

February 14, 2007, engrossed.

February 15, 2007, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2007, read first time and referred to Committee on Roads and Transportation. March 15, 2007, amended, reported — Do Pass.



First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 247

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-13-2-49.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 49.5. "Electronic traffic ticket", for purposes of IC 9-30-3, has the meaning set forth in IC 9-30-3-2.5.

SECTION 2. IC 9-24-12-3, AS AMENDED BY P.L.41-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE January 1, 2008]: Sec. 3. Except as provided in section 11 of this chapter, a public passenger chauffeur's license issued under this article after December 31, 1996, expires at midnight of the birthday of the holder that occurs two (2) four (4) years following the date of issuance.

SECTION 3. IC 9-29-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE January 1, 2008]: Sec. 5. The fee for a public passenger chauffeur's license issued under IC 9-24-5 is four eight dollars (\$4). (\$8).

SECTION 4. IC 9-30-3-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) As used in this chapter, "electronic traffic

ES 247-LS 6861/DI 96+



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1	ticket" means:
2	(1) a traffic information and summons; or
3	(2) a complaint and summons;
4	for traffic cases that is in an electronic format prescribed by the
5	division of state court administration.
6	(b) An electronic traffic ticket may be referred to as an
7	"e-citation".
8	SECTION 5. IC 9-30-3-5.3 IS ADDED TO THE INDIANA CODE
9	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10	1, 2007]: Sec. 5.3. In prescribing the contents of an electronic
11	traffic ticket, the division of state court administration shall
12	require the inclusion in an electronic traffic ticket of the contents
13	required in an information and summons under section 6 of this
14	chapter. The division of state court administration may modify the
15	prescribed contents of an electronic traffic ticket as necessary for
16	the ticket to be in an electronic format.
17	SECTION 6. IC 9-30-3-5.7 IS ADDED TO THE INDIANA CODE
18	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
19	1, 2007]: Sec. 5.7. (a) When a law enforcement officer issues an
20	electronic traffic ticket, the law enforcement officer:
21	(1) may print the electronic traffic ticket at the site of the
22	traffic violation; and
23	(2) shall inform the individual to whom the electronic traffic
24	ticket has been issued and note on the electronic traffic ticket
25	whether the individual must appear in court on a specific date
26	at a specific time.
27	(b) An electronic traffic ticket issued under this chapter that
28	bears a printed or digital signature of:
29	(1) the law enforcement officer who issued the electronic
30	traffic ticket; and
31	(2) the prosecuting attorney, or a representative of the office
32	of the prosecuting attorney, of the county in which the
33	electronic traffic ticket was issued;
34	is admissible in a court proceeding as if the signatures referred to
35	in subdivisions (1) and (2) were original signatures.
36	(c) A law enforcement officer who issues an electronic traffic
37	ticket may transmit the electronic traffic ticket to the court
38	electronically if the court and the electronic traffic ticket are in
39	compliance with the administrative rules adopted by the supreme
40	court.

(d) A law enforcement officer who issues an electronic traffic

ticket shall indicate on the electronic traffic ticket whether the law

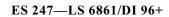


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enforcement	officer served the	person receiving the	electronic
traffic ticket.			
(e) The ele	ectronic transmissi	on of an electronic tr	affic ticket
shall be consid	dered by the court a	s an original certified	copy of the
traffic inform	ation and summon	s or complaint and sur	mmons. An
electronic tra	ffic ticket may be u	sed:	
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(B) a	inswer a traffic	information and sui	mmons or
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(2) to no	tify the bureau of a	defendant who is not	an Indiana
resident	and who fails to:		
(A) aj	ppear; or		
(B) ar	ıswer a traffic infoi	mation and summons	;;
(3) to no	otify the bureau u	pon a final determin	nation of a
defendai	nt's failure to appea	r; or	
(4) as a	record of a traffic	case that an individua	al has beer
charged	with a traffic offen	se when:	
(A) th	e individual has be	en convicted;	
(B) a	judgment has been	entered; or	
	finding has been m	•	
SECTION '	7. IC 9-30-3-6 IS AM	ENDED TO READ AS	FOLLOWS
[EFFECTIVE	JULY 1, 2007]: Sec.	6. (a) This section doe	s not apply
to electronic t	traffic tickets.		
(b) In traf	fic cases, the inform	nation and summons	shall be in
	he following form:		
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Cause No	Docket No.		
Page No			
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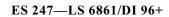


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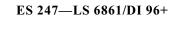


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(4) the summons copy, printed on white stock.				
The reverse sides of the complaint and abstract of court record				
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3	The notice, appearance, plea of either admission, denial, or nolo
4	contendere shall be printed on the summons. The trimmed size of the
5	paper and stock on which the form is printed shall be nominally four
6	and one quarter $(4 \ 1/4)$ inches by eight and one quarter $(8 \ 1/4)$ inches.
7	(c) (d) The complaint form shall be used in traffic cases, whether
8	the charge is made by a law enforcement officer or by any other person.
9	(d) (e) Each judicial officer or police authority issuing traffic
10	complaints and summons:
11	(1) is responsible for the disposition of all the traffic complaints
12	and summons issued under the authority of the officer or
13	authority; and
14	(2) shall prepare and submit the records and reports relating to the
15	traffic complaints in the manner and at the time prescribed by
16	both the state examiner of the state board of accounts and the
17	bureau.
18	SECTION 8. IC 9-30-3-8 IS AMENDED TO READ AS FOLLOWS
19	[EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may issue a warrant
20	for the arrest of a defendant who is an Indiana resident and who fails
21	to appear or answer a traffic information and summons or a complaint
22	and summons served upon the defendant. If the warrant is not executed
23	within thirty (30) days after issue, the court shall promptly forward the
24	court copy of the traffic information and summons or complaint and
25	summons to the bureau indicating that the defendant failed to appear
26	in court as ordered. The court shall then mark the case as failure to
27	appear on the court's records.
28	(b) If a defendant who is not an Indiana resident fails to appear or
29	answer a traffic summons served upon the defendant and upon which
30	the information or complaint has been filed thirty (30) days after the
31	return date of the information and summons or complaint and
32	summons, the court shall promptly forward the court copy of the traffic
33	information and summons or complaint and summons to the bureau.
34	The bureau shall notify the motor vehicle commission of the state of
35	the nonresident defendant of the defendant's failure to appear and also
36	of any action taken by the bureau relative to the Indiana driving
37	privileges of the defendant. If the defendant fails to appear or otherwise
38	answer within thirty (30) days, the court shall mark the case as failure
39	to appear on the court's records.
40	(c) If the bureau receives a copy of the traffic information and
41	summons or complaint and summons for failure to appear in court

either on a form prescribed by the bureau or in an electronic



format prescribed by the division of state court administration, the
bureau shall suspend the driving privileges of the defendant until the
defendant appears in court and the case has been disposed of. The
order of suspension may be served upon the defendant by mailing the
order by first class mail to the defendant at the last address shown for
the defendant in the records of the bureau. The order takes effect on the
date the order is mailed.

- (d) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:
 - (1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and
 - (2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination either in an electronic format or upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and information from the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 9. IC 9-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

- (1) engage counsel;
- (2) a reasonable continuance to engage counsel to subpoena witnesses;
- (3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;
- (4) testify or not to testify in the defendant's own behalf;
- (5) a trial by jury; and
- (6) appeal.
- (b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of

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the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

- (c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment in an electronic format or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information in an electronic format or in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.
- (d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau of motor vehicles.
- (e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars (\$100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action.











SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 247.

MRVAN

SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Senate Bill 247.

MRVAN

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 247, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 247 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 247 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE January 1, 2008]".

(Reference is to SB 247 as printed February 9, 2007.)

MRVAN



ES 247-LS 6861/DI 96+









COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 247, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-49.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 49.5. "Electronic traffic ticket", for purposes of IC 9-30-3, has the meaning set forth in IC 9-30-3-2.5.".

Page 1, after line 10, begin a new paragraph and insert:

"SECTION 3. IC 9-30-3-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) As used in this chapter, "electronic traffic ticket" means:

- (1) a traffic information and summons; or
- (2) a complaint and summons;

for traffic cases that is in an electronic format prescribed by the division of state court administration.

(b) An electronic traffic ticket may be referred to as an "e-citation".

SECTION 4. IC 9-30-3-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.3. In prescribing the contents of an electronic traffic ticket, the division of state court administration shall require the inclusion in an electronic traffic ticket of the contents required in an information and summons under section 6 of this chapter. The division of state court administration may modify the prescribed contents of an electronic traffic ticket as necessary for the ticket to be in an electronic format.

SECTION 5. IC 9-30-3-5.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.7. (a) When a law enforcement officer issues an electronic traffic ticket, the law enforcement officer:**

- (1) may print the electronic traffic ticket at the site of the traffic violation; and
- (2) shall inform the individual to whom the electronic traffic ticket has been issued and note on the electronic traffic ticket whether the individual must appear in court on a specific date at a specific time.

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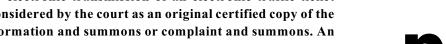
- (b) An electronic traffic ticket issued under this chapter that bears a printed or digital signature of:
 - (1) the law enforcement officer who issued the electronic traffic ticket; and
 - (2) the prosecuting attorney, or a representative of the office of the prosecuting attorney, of the county in which the electronic traffic ticket was issued;

is admissible in a court proceeding as if the signatures referred to in subdivisions (1) and (2) were original signatures.

- (c) A law enforcement officer who issues an electronic traffic ticket may transmit the electronic traffic ticket to the court electronically if the court and the electronic traffic ticket are in compliance with the administrative rules adopted by the supreme court.
- (d) A law enforcement officer who issues an electronic traffic ticket shall indicate on the electronic traffic ticket whether the law enforcement officer served the person receiving the electronic traffic ticket.
- (e) The electronic transmission of an electronic traffic ticket shall be considered by the court as an original certified copy of the traffic information and summons or complaint and summons. An electronic traffic ticket may be used:
 - (1) to notify the bureau of an Indiana resident who fails to:
 - (A) appear; or
 - (B) answer a traffic information and summons or complaint and summons;
 - (2) to notify the bureau of a defendant who is not an Indiana resident and who fails to:
 - (A) appear; or
 - (B) answer a traffic information and summons;
 - (3) to notify the bureau upon a final determination of a defendant's failure to appear; or
 - (4) as a record of a traffic case that an individual has been charged with a traffic offense when:
 - (A) the individual has been convicted;
 - (B) a judgment has been entered; or
 - (C) a finding has been made by a court.

SECTION 6. IC 9-30-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) This section does not apply to electronic traffic tickets.

(b) In traffic cases, the information and summons shall be in substantially the following form:









In the	Court of	County			
	Docket No				
Page No	_				
State of Indiana					
	SS:	No			
County of					
	INFORMATION A	ND SUMMON	S		
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sworn upon his					
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	First				
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(Deputy Clerk)				_	
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ON	THE	DAY OF	,20_	AT	
M. OR BE S	SUBJECT TO ARRES	ST.			
SIGNATURE _					
"YOUR SIGNA	ATURE IS NOT AN A	ADMISSION (OF GUILT"		
The inform	nation and summons s	shall consist of	four (4) pa	rts:	
(1) the or	riginal copy, printed o	n white paper,	which shall	be the	

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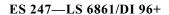


abstract of court record for the Indiana bureau of motor vehicles;

- (2) the court copy, printed on white paper;
- (3) the police record, which shall be a copy of the information, printed on pink paper; and
- (4) the summons copy, printed on white stock.

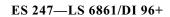
The reverse sides of the information and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT #	
DATE	
COURT ACTION AND OTHER ORDERS	
BAIL \$	
REARREST BOND \$ DATE	
1. CONTINUANCE TO 4. CONTINUANCE TO	
2. CONTINUANCE TO 5. CONTINUANCE TO	_
3. CONTINUANCE TO 6. CONTINUANCE TO	
Motions Date Ruling Date	U
1	
2	
3	
4	
PLEA () GUILTY	
() NOT GUILTY	
FINDING () GUILTY	_
() NOT GUILTY	
THE COURT THEREFORE, ENTERS	
THE FOLLOWING ORDER	W
FINE \$ AMOUNT SUSP. \$	
(STATE) \$	
COSTS	
(CITY) \$ DAYS IN DAYS SUSP.	
DAYS IN DAYS SUSP.	
/ DECOMMENDED LICENCE CHERENDED FOR	
() RECOMMENDED LICENSE SUSPENDED FOR () PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR	
PROBATION PROBATION	
TROBATION	
JUDGE:	
DATE:	
·	



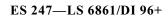


ADDRESS				IONE
	V	VITNESSES	S	
The notice th	e annearan	ce the plea	of either 9	guilty or not guilt
and the waiver sha		_	_	
the paper and stoc	-			
four and one quar			_	
inches.	(, -)		-6	1 (* -/
(b) (c) In civi	l traffic cas	ses, the com	plaint and	summons shall
in substantially the				
In the	_			County
Cause No				
Page No				
State of Indiana				
	SS:	No		
County of				
(COMPLAI	NT AND SU	JMMONS	S
The undersigned	having pro	bable cause	to believ	e and being du
sworn upon his oa				
On the	Day o	f	, 20	at M
Name				
Last	Firs		Middle	
Street				
City		State	Zip	Code
Race Sex	Age D.	O.B	HT	WT
Oper. Lic. #				
Operate Veh. Colo				
Veh. Lic. Yr.				
Upon, (Location)				
A PUBLIC STREE				
COUNTY, INDIA	NA, AND	COMMIT,	THE OFF.	ENSE OF:
CONTRADATO	THE PAR	A OF THE		
CONTRARY TO			` /	
()LOCAL ORDIN			E MADE A	ANDPROVIDE
OFFICER'S SIGN	Λ III P H			
I.D. No.				





Subscribed A							
(Deputy Clea	rk)						
This	Day	of	, 20				
			PEARANCE				
I PROMISE	TO APPEAR	R IN					
COURTRO	OM						
ADDRESS:							
ON	THE		_ DAY OF, 20				
AT M. O	R BE SUBJE	ECT TO A	RREST.				
			ADMISSION OF A VIOLATION"				
The con	nplaint and s	ummons s	shall consist of four (4) parts:				
(1) the	original cop	y, printed	on white paper, which shall be the				
abstrac	ct of court red	cord for th	e Indiana bureau of motor vehicles;				
(2) the	court copy,	printed or	n white paper;				
(3) the	police reco	rd, which	shall be a copy of the complaint,				
printed	d on pink pap	per; and					
(4) the	summons co	opy, printe	ed on white stock.				
The rev	erse sides of	f the comp	plaint and abstract of court record				
shall be subs	tantially as fo	ollows, wit	th such additions or deletions as are				
necessary to	adapt the for	rm to the	court involved:				
RECEIPT #_							
DATE							
			ID OTHER ORDERS				
BAIL \$							
REARREST	BOND \$		DATE				
1. CONTINU	JANCE TO		4. CONTINUANCE TO				
2. CONTINU	JANCE TO		5. CONTINUANCE TO				
			6. CONTINUANCE TO				
Motion	s Date	Ruling	Date				
1							
2							
3							
1							
PLEA	() ADMIT						
	() DENY						
	() NOLO C						
FINDING			RPLAINTIFF				
	* /		R DEFENDANT				
	THE COURT THEREFORE, ENTERS						
PDIE *	THE FOLLOWING ORDER						
FINE \$			AMOUNT SUSP. \$				





(STATE)	\$
COSTS	
(CITY) \$	
() RECOMMENDED LICENSE SUSPENDED FOR	
() PROBATIONARY LICE	ENSE AUTHORIZED FOR ONE YEAR
PROBATION	
JUDGE:	
DATE:	
ATTORNEY FOR DEFENI	DANT
	TELEPHONE
	WITNESSES
TTI	
	plea of either admission, denial, or nolo
*	on the summons. The trimmed size of the
•	ne form is printed shall be nominally four
• '	es by eight and one quarter (8 1/4) inches.
. / . /	rm shall be used in traffic cases, whether
_	enforcement officer or by any other person.
	fficer or police authority issuing traffic
complaints and summons:	ha diamaritian of all the tooff a complaint
• •	he disposition of all the traffic complaints
	under the authority of the officer or
authority; and	

SECTION 7. IC 9-30-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to

(2) shall prepare and submit the records and reports relating to the traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the



bureau.

appear on the court's records.

- (b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.
- (c) If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court either on a form prescribed by the bureau or in an electronic format prescribed by the division of state court administration, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.
- (d) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:
 - (1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and
 - (2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination either in an electronic format or upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and information from the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 8. IC 9-30-3-11 IS AMENDED TO READ AS











FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

- (1) engage counsel;
- (2) a reasonable continuance to engage counsel to subpoena witnesses;
- (3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;
- (4) testify or not to testify in the defendant's own behalf;
- (5) a trial by jury; and
- (6) appeal.
- (b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.
- (c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment in an electronic format or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information in an electronic format or in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.
- (d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau of motor vehicles.
- (e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars (\$100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the

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attorney general. Each failure by an officer constitutes a separate cause of action.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 247 as reprinted February 14, 2007.)

AUSTIN, Chair

Committee Vote: yeas 11, nays 0.

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0

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y

